

# **Emerald Tourist Railway (Amendment) Bill**

## **EXPLANATORY MEMORANDUM**

*Clause 1* states the purpose of the Act, which is to amend the **Emerald Tourist Railway Act 1977** to improve the operation of the Emerald Tourist Railway Board and the administration of that Act.

*Clause 2* provides for the commencement of the Act.

*Clause 3* defines the **Emerald Tourist Railway Act 1977** as the Principal Act.

*Clause 4* outlines the responsibilities of the Emerald Tourist Railway Board. The Board is responsible for the preservation, development, promotion, operation and maintenance of the Emerald Tourist Railway. A new provision is also inserted to allow the Board to carry out other operations consistent with its role as a major tourist attraction. This clause also provides that the Board is not a common carrier.

*Clause 5* provides for the appointment of up to two employees as members of the Board.

*Clause 6* provides for the appointment of a Deputy Chairman.

*Clause 7* alters section 16 of the Principal Act to allow the Board to approve its own allowances without reference to the Minister.

*Clause 8* alters section 18 of the Principal Act to ensure that employees appointed to the Board as provided for by clause 5 are not disqualified from office by accepting salaries or wages from the Board.

*Clause 9* alters section 20 of the Principal Act to allow the Board to regulate its own procedure without reference to the Minister.

*Clause 10* alters section 39 of the Principal Act to ensure that only contracts valued at more than \$200 000 need the approval of the Minister.

*Clause 11* alters section 41 of the Principal Act to allow the Board to grant leases, licences and easements on any land vested in the Board, without reference to the Minister.

*Clause 12* substitutes a new section 42 in the Principal Act. This section relates to the reporting of accidents to the Minister and requires the Board to report to the Minister on accidents resulting in loss of life or serious injury to any person or serious damage to property or to the environment.

*Clause 13* extends the Board's current exemptions from the **Fences Act 1968** and provides that the Board is not liable for any damage which may be caused by the Board's land not being fenced in or fenced off.

*Clause 14* makes provision for the limitation of jurisdiction of the Supreme Court in relation to actions for damages resulting from the Railway not being fenced in or fenced off.

*Clause 15* limits the scope of by-laws that need the approval of the Minister.

*Clause 16* makes miscellaneous amendments to sections 1, 6, 21, 30, 36, 47 and 49.

By Authority L. V. North, Government Printer Melbourne

